

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATE OF AMERICA, :

**A F F I R M A T I O N**

- against :

**08 Cr. 10 (DLC)**

LEONARDO MONTES-REYES, :

Defendant. :

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I, LEONARDO MONTES-REYES, hereby declare under penalties of perjury, pursuant to 28 U.S.C. Sec. 1746:

1. I am the defendant in this case. I make this statement in support of a motion to suppress physical evidence seized from me on the date of my arrest, December 19, 2007 and statements made by me to law enforcement officers following my arrest . Because this statement is being made for a limited purpose, I do not state each and every detail of what happened.

2. In the early morning of December 19, 2007, I obtained a room at the Hotel Newton, a hotel located at 95<sup>th</sup> Street and Broadway in Manhattan. I registered for the room and paid cash for the room. I was provided with a key to the room. I was assigned Room 814.

3. On the late afternoon of December 19, 2007, I was in my hotel room. The door was locked. There was no one else in the room.

4. While in my hotel room, I heard a knock on the door. I asked who it was. A man replied, in Spanish, that he was a police officer.

5. I opened the door and saw a man wearing a suit. The man told me that the police were looking for a missing person. He showed me a picture of a young girl, who appeared to be a teen-ager. The man told me that the police were checking all the rooms in the hotel for the girl.

He asked me if I would let the police look around my room for the girl.

6. I agreed to let the police look around my room for the missing girl. I knew there was no girl in the room, but I wanted to help the police with their search for the girl.

7. As soon as I agreed to let the police look around my room for the girl, a large number of men rushed into my room. Three of the men grabbed me and patted me down for weapons. I was then taken to the bathroom of my room and ordered to sit on the toilet seat.

8. As I sat on the toilet seat, I was able to observe a number of men searching my room and my possessions. I had a suitcase and a duffle bag on the floor of my room. I saw the police open the suitcase and duffle bag and examine the contents.

9. After the police searched my duffle bag and suitcase, they told me that they believed that there were drugs concealed in clothing in the duffle bag. The police placed me under arrest and asked me questions. I answered the questions.

10. After I was placed under arrest, I was taken to some kind of police station. I was told to sign a number of forms. One of the forms I signed was a form "consenting" to the search of my room.

11. I did not consent to the police searching my possessions and/or entering my room for that purpose. I only consented to the police entering my room for the limited purpose of looking around the room for a missing girl. When I gave my consent to let the police enter the room, I believed that the only reason the police wanted to look around my room was to determine if there was a missing girl in the room. I would not have consented to the police entering my room if I had known that they wanted to search my possessions for evidence of criminality on my part.

12. This Declaration has been translated into Spanish for me prior to my signing it.

Dated: New York, New York  
February\_\_, 2008

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**LEONARDO MONTES-REYES**